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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

CHARLES M. BUTLER, III and
CHOLE BUTLER,

Plaintiffs,

v.

UNIFIED LIFE INSURANCE
COMPANY; HEALTH PLANS
INTERMEDIARIES HOLDINGS, LLC,
D/B/A HEALTH INSURANCE
INNOVATIONS; HEALTH
INSURANCE INNOVATIONS, INC.;
ALLIED NATIONAL, INC.;
NATIONAL BROKERS OF
AMERICA, INC.; THE NATIONAL
CONGRESS OF EMPLOYERS, INC.;
and DOES 1-10,

Defendants.

Cause No. CV 17-50-SPW-TJC

**PLAINTIFFS' BRIEF IN SUPPORT
OF MOTION FOR
HEARING ON ATTORNEY FEES**

Plaintiffs respectfully submit this brief in support of their motion for hearing on the motion for interim award of attorney fees. Plaintiffs' motion for interim attorney fees and costs and supporting brief and documents were filed May 21, 2020. DOCs. 296-300. Plaintiffs' Reply Brief and supporting documents were filed July 10, 2020. DOCs 318-320.

As noted in Plaintiffs' reply brief, an evidentiary hearing should be held for purposes of considering the factors required by the lone star calculation. DOC. 326, citing *Plath v. Schonrock*, 2003 MT 21, ¶ 41, 314 Mont. 101, 64 P.3d 984; *Audit Services v. Frontier-West, Inc.*, 252 Mont. 142, 154, 827 P.2d 1242, 1250 (1992); *State v. Slack*, 2001 MT 137, ¶ 3, 305 Mont. 488, 29 P.3d 503.

Accordingly, Plaintiffs respectfully ask the Court to set a date for the evidentiary hearing on Plaintiffs' Motion for Interim Award of Attorney Fees.

DATED this 21st day of October, 2020.

By: /s/ John Morrison
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